

TMG

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE I, a minor by and through his
parents and natural guardians,
and
JOHN DOE II, a minor by and through his
natural parent and/or legal guardian,
and
JOHN DOE III, a minor by and through his
parent and natural guardian,
and
JOHN DOE IV, a minor by and through his
parent and natural guardian,

Plaintiffs,

v.

THE SCHOOL DISTRICT OF THE
CITY OF ALLENTOWN
(a/k/a "Allentown School District")
and
LEHIGH VALLEY HOSPITAL, INC.
and
EVA W. HADDON, individually
and
BRADLEY CARTER, individually
and
DR. KAREN S. ANGELLO, individually
and
EVELYN W. ROSSI, individually
and
KAREN J. BOARDMAN, individually
and
DIANE M. HOLBEN, individually
and
RITA D. PEREZ, individually
and
RALPH A. DAUBERT, individually
and
RALPH S. TODD, individually
and
DEBORAH HARTMAN, individually
and
DR. LOURDES SANCHEZ, individually
and
GERALD BROWN, individually
and
AMY ENRIGHT, individually
and
LORI FRIEBOLIN, individually
and

Civil No.: 2:06-CV-01926 (TMG)

COMPLAINT IN INTERVENTION

FILED

JUL 10 2009

MICHAEL E. KUNZ, Clerk
By VM Dep. Clerk

KIM CECCATTI, individually
and
CATHERINE BUCKS, individually
and
JENNA HEILAND, individually
and
MARGARET PARRY
(a/k/a PEG PARRY), individually
and
KATHLEEN E. COUGHLIN, individually
and
F.H., a minor, through F.H. FATHER and
F.H. MOTHER, his parents and
natural guardians
and
F.H. FATHER, individually
and
F.H. MOTHER, individually,

Defendants.

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

THE SCHOOL DISTRICT OF THE
CITY OF ALLENTOWN
(a/k/a "Allentown School District")

COMPLAINT IN INTERVENTION

The United States of America, Plaintiff-Intervenor, alleges for its complaint in intervention as follows:

PRELIMINARY STATEMENT

1. The United States files this complaint in intervention to redress discrimination on the basis of sex in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681, et seq. ("Title IX").
2. The United States brings this complaint solely against the School District of the City of Allentown ("Allentown School District" or the "District").

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b) because the defendant Allentown School District is located within the Eastern District of Pennsylvania and the claims alleged in this complaint arose from events that occurred within this judicial district.

PARTIES

5. Plaintiffs JOHN DOE I, JOHN DOE II, JOHN DOE III, and JOHN DOE IV are former students of Central Elementary School in the Allentown School District and attended school at Central Elementary during the 2003-2004 school year.

6. Defendant District is responsible for the administration of educational services for all students enrolled in the District, including students at Central Elementary School.

7. The District is a recipient of federal financial assistance and therefore is subject to Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688.

PROCEDURAL BACKGROUND

8. On May 6, 2006, Plaintiffs JOHN DOE and his parents filed a complaint in this Court against the District and others alleging that he and three other District students were subjected to harassment constituting discrimination. On August 28, 2006, Plaintiffs amended their complaint to include two of the three other District students subjected to harassment, now identified as JOHN DOE II and JOHN DOE III. On March 9, 2009, Plaintiffs amended their complaint to add the fourth JOHN DOE, a minor, and to include a claim alleging that the District violated Title IX.

FACTUAL ALLEGATIONS

9. On four separate occasions, spanning approximately six months during the 2003-2004 school year, 12-year-old F.H., a student at Central Elementary School in the District, sexually assaulted JOHN DOE I, JOHN DOE II, JOHN DOE III, and JOHN DOE IV at Central

Elementary School in the boys' bathroom.

10. **Redacted.**¹

11. District officials with the authority to address the assaults, including the Central Elementary School Principal and Assistant Principal, were contemporaneously informed about each assault referenced in Paragraph 10. For each assault by F.H. against JOHN DOES I, II, III, and IV, parents, teachers, and/or students informed Principal Eva Haddon and/or Assistant Principal Bradley Carter of the assault.

12. Despite the District's knowledge of F.H.'s sexual assaults, it was deliberately indifferent, resulting in these repeated assaults.

13. The District's deliberate indifference prevented the Plaintiffs from enjoying the educational benefits and opportunities provided by the District.

CLAIM FOR RELIEF

14. The United States realleges and herein incorporates by reference the allegations set forth in paragraphs 8 through 13 above.

15. The District's deliberate indifference to known instances of severe, pervasive and objectively offensive sexual harassment to which Plaintiffs JOHN DOE I, JOHN DOE II, JOHN DOE III, and JOHN DOE IV at Central Elementary School were subjected effectively barred the Plaintiffs' equal access to educational opportunities or benefits in violation of Title IX.

16. Unless enjoined by this Court, the District will continue to violate Title IX.

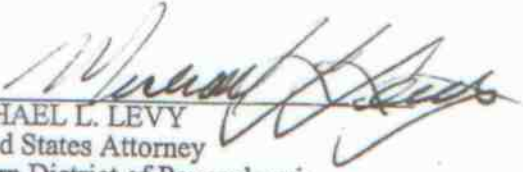
17. The United States requests intervention in this lawsuit in order to seek relief to ensure that the District will operate a school system that provides an educational environment that is free of sexual harassment for its students and is in compliance with federal law.

¹Pursuant to the June 30, 2009, Order of the Court, the United States redacted paragraph 10 of this Complaint in Intervention.


PRAYER FOR RELIEF

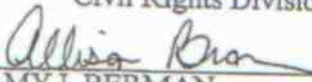
WHEREFORE, the United States respectfully requests that this Court:

- a. Declare that the District has discriminated on the basis of sex by failing to address, prevent, and remedy sexual harassment, and in doing so failed to provide the benefits of its educational activities and services to Plaintiffs in violation of Title IX.
- b. Permanently enjoin the District, its officers, agents, employees, successors, assigns, and all persons in active concert or participation with the District from all unlawful discrimination against District students on the basis of sex.
- c. Order the District to develop, adopt, and expediently implement a comprehensive plan that will ensure a safe and secure environment free from sexual harassment for all its students.
- d. Order the District to file a report annually with the Court detailing the implementation of its plan.
- e. Provide such relief as is necessary to compensate Plaintiffs JOHN DOE I, JOHN DOE II, JOHN DOE III, and JOHN DOE IV for the discrimination to which they were subjected.
- f. Grant such additional relief as the needs of justice may require.


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Dated: June 16, 2009